

INCIDENTAL HARASSMENT AUTHORIZATION

Hilcorp Alaska, LLC (Hilcorp) is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) to harass marine mammals incidental to tugs towing drill rig activities in Cook Inlet, Alaska, when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid for a period of one year from the date of issuance.
2. This IHA is valid only for tugs towing a drill rig associated with the Cook Inlet Pipeline Cross Inlet Extension Project in Cook Inlet, Alaska.

3. General Conditions

- (a) A copy of this IHA must be in the possession of Hilcorp its designees, and work crew personnel operating under the authority of this IHA.
- (b) The species authorized for taking are the Cook Inlet beluga whale (*Delphinapterus leucas*), humpback whale (*Megaptera novaeangliae*), fin whale (*Balaenoptera physalus*), minke whale (*Balaenoptera acutorostrata*), gray whale (*Eschrichtius robustus*), killer whale (*Orcinus orca*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Steller sea lion (*Eumetopias jubatus*), harbor seal (*Phoca vitulina*), and California sea lion (*Zalophus californianus*).
- (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 (attached) for numbers of take authorized, by species.
- (d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.
- (e) Hilcorp must conduct briefings between vessel captains and crew, dive team, marine mammal monitoring team prior to the start of all in-water work, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.
- (f) The Holder also must abide by the reasonable and prudent measures and terms and conditions of the [DATE] Biological Opinion and Incidental Take Statement (attached) issued by NMFS pursuant to section 7 of the Endangered Species Act.

4. Mitigation Measures

The holder of this Authorization is required to implement the following mitigation measures:

- (a) Hilcorp must establish a clearance zone that extends 1.5 km from the tug or jack-up rig on which the protected species observers (PSOs) are positioned.
- (b) Prior to commencing operational activities in daylight hours, two NMFS-approved PSOs must observe the clearance zone for 30 minutes; if no marine mammals are observed within those 30 minutes, activities may commence.
- (c) Prior to commencing operational activities in nighttime hours, two NMFS-approved PSOs must observe the extent visible for 30 minutes while using night vision devices; if no marine mammals are observed within those 30 minutes, activities may commence.
- (d) If a marine mammal is observed within the clearance zone during the pre-activity clearing, operations may not commence until the PSO observes one of the following:
 - (i) The animal is outside of and on a path away from the clearance zone, or
 - (ii) For pinnipeds and small cetaceans - 15 minutes without observing the marine mammal have elapsed; for baleen whales - or 30 minutes have elapsed without observing the marine mammal.
- (e) Should a marine mammal be observed during tugs towing the jack-up rig, the PSO must monitor and carefully record any reactions observed until the towing or positioning is concluded. No new operational activities may be started until the animal leaves the clearance zone.
- (f) Hilcorp must conduct tug towing rig operations with a favorable tide unless human safety or equipment integrity are at risk.
- (g) Hilcorp may only conduct tug towing rig activities at night if necessary to accommodate a favorable tide.
- (h) Hilcorp must abide by NMFS marine mammal viewing guidelines while operating additional equipment or vessels related to this project; including not actively approaching marine mammals within 100 yards and slowing vessels to the minimum speed necessary.
- (i) If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes have been reached, is observed approaching or within the clearance zone, in-water work must be delayed or shut-down (other than tug towing jack-up rig activity if already initiated). Activities must not resume until the animal has been confirmed to have left the area or the observation time period, as indicated in 4(d) above, has elapsed.

5. Monitoring

- (a) The holder of this Authorization is required to conduct marine mammal monitoring during all in-water work associated with the tug towing jack-up rig activities in accordance with Hilcorp's Marine Mammal Monitoring and Mitigation Plan, dated February 25, 2022.
- (b) Two PSOs must be stationed on the tug or jack-up rig for monitoring purposes for the entirety of jack-up rig towing and positioning operations.
- (c) PSOs must scan the monitoring area systematically with the naked eye, 7x50 reticle binoculars, or 20-25x100 big-eye binoculars.
- (d) PSOs must be in communication with the all vessel captain via VHF radio and/or cell phones at all times and alert vessel captains to all marine mammal sightings relative to the vessel location.
- (e) Qualified PSOs must be trained biologists, with the following minimum qualifications:
 - (i) Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate target size and distance; use of binoculars may be necessary to correctly identify the target;
 - (ii) Advanced education in biological science or related field (undergraduate degree or higher required);
 - (iii) Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience);
 - (iv) Experience or training in the field identification of marine mammals, including the identification of behaviors;
 - (v) Sufficient training, orientation, or experience with the tugging and positioning operation to provide for personal safety during observations;
 - (vi) Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water activities were conducted; and marine mammal behavior; and
 - (vii) Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.
- (f) During daylight hours, PSOs must scan the clearance zone 30 minutes prior to commencing tugging or positioning work, and prior to re-starting work after any stoppage of 30 minutes or greater.

- (g) During nighttime hours, PSOs must scan to the greatest extent feasible for 30 minutes prior to tugging or positioning work, and prior to re-starting work after any stoppage of 30 minutes or greater.
- (h) PSOs must scan the waters for at least 30 minutes after tugging and positioning activities have been completed each day, and after each stoppage of 30 minutes or greater.

6. Reporting

- (a) Hilcorp must submit monthly marine mammal monitoring reports to NMFS. Hilcorp must also submit its draft report(s) on all monitoring conducted under this IHA within 90 calendar days of the completion of monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for similar activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report may be considered final.
- (b) All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *sara.young@noaa.gov*.
- (c) The marine mammal report must contain the informational elements described in the Monitoring Plan and, at minimum, must include:
 - (i) Dates and times (begin and end) of all marine mammal monitoring;
 - (ii) Activities occurring during each daily observation period, including:
 - A. Type of activity (towing or positioning);
 - B. Total duration of each type of activity (towing and positioning);
 - C. Number of attempts required for positioning; and
 - D. Indications of when nighttime operations were required and if towing against the tide was required.
 - (iii) PSO locations during marine mammal monitoring;
 - (iv) Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
 - (v) Upon observation of a marine mammal, the following information:

- A. Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting;
 - B. Time of sighting;
 - C. Identification of the animal(s) (e.g., genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;
 - D. Distance and location of each observed marine mammal relative to the tugs for each sighting;
 - E. Estimated number of animals (min/max/best estimate);
 - F. Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.);
 - G. Animal's closest point of approach and estimated time spent within the harassment zone;
 - H. Description of any marine mammal behavioral observations (e.g., observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (e.g., no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- (vi) Number of marine mammals detected within the harassment zone, by species; and
 - (vii) Detailed information about implementation of any mitigation (e.g., delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.
- (d) The Holder must submit all PSO datasheets and/or raw sighting data with the draft report, as specified in condition 6(b) of this IHA.
 - (e) Reporting injured or dead marine mammals:

In the event that personnel involved in Hilcorp's activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (*PR.ITP.MonitoringReports@noaa.gov* and *sara.young@noaa.gov*) and to the Alaska regional stranding network [(877) 925-7773] as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if

any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS.

The report must include the following information:

- (i) Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
 - (ii) Species identification (if known) or description of the animal(s) involved;
 - (iii) Condition of the animal(s) (including carcass condition if the animal is dead);
 - (iv) Observed behaviors of the animal(s), if alive;
 - (v) If available, photographs or video footage of the animal(s); and
 - (vi) General circumstances under which the animal was discovered.
- f. This Authorization may be modified, suspended or revoked if the Holder fails to abide by the conditions prescribed herein (including, but not limited to, failure to comply with monitoring or reporting requirements), or if NMFS determines: (1) the authorized taking is likely to have or is having more than a negligible impact on the species or stocks of affected marine mammals, (2) the authorized taking is likely to have or is having an unmitigable adverse impact on the availability of the affected species or stocks for subsistence uses, or (3) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat.

7. Renewals

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities (or a subset of those activities) are planned or (2) the specified activities will not be completed by the time the IHA expires and a Renewal would allow for completion of the activities, provided all of the following conditions are met:

- a. A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (note a Renewal IHA expiration date cannot extend beyond one year from expiration of this IHA).
- b. The request for renewal must include the following:
 - (i) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed for this IHA, are a

subset of the activities, or include changes so minor that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- (ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.
- c. Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings made in support of this IHA remain valid.

Kimberly Damon-Randall,
Director, Office of Protected Resources
National Marine Fisheries Service

Table 1. Number of marine mammals, by species, authorized to be taken by Hilcorp during tug towing jack-up rig activities in Cook Inlet, Alaska.

Species	Scientific Name	Stock	Level B Harassment
Humpback whale	<i>Megaptera novaeangliae</i>	Western North Pacific	6
Minke whale	<i>Balaenoptera acutorostrata</i>	Alaska	6
Gray whale	<i>Eschrichtius robustus</i>	Eastern Pacific	2
Fin whale	<i>Balaenoptera physalus</i>	Northeastern Pacific	4
Killer whale	<i>Orcinus orca</i>	Alaska Resident Gulf of Alaska, Aleutian Islands, and Bering Sea Transient	10
Beluga whale	<i>Delphinapterus leucas</i>	Cook Inlet	22
Dall's porpoise	<i>Phocoenoides dalli</i>	Alaska	6
Harbor porpoise	<i>Phocoena phocoena</i>	Gulf of Alaska	44
Harbor seal	<i>Phoca vitulina</i>	Cook Inlet/ Shelikof	554
Steller sea lion	<i>Eumetopias jubatus</i>	Western	17
California sea lion	<i>Zalophus californianus</i>	U.S.	2

Table 2. Monitoring and Reporting Zones

	Distance (m)
Clearance Zone	1,500
Level B Harassment Zone	3,850